

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JENNETH ANNE GRIFFITH,
Plaintiff,

v.

08cv1239

ELECTRONICALLY FILED

SUPERINTENDENT MARIROSO LAMAS,
THE DISTRICT ATTORNEY OF THE
COUNTY OF ALLEGHENY, THE
ATTORNEY GENERAL OF THE STATE OF
PENNSYLVANIA,
Defendants.

ORDER OF COURT

Petitioner has submitted a letter motion, which the Court deems to be in the nature of a motion for reconsideration of this Court's Order of November 14, 2008 (doc. no. 8), adopting the Report and Recommendation of United States Magistrate Judge Lisa Pupo Lenihan, dismissing petitioner's Petition for Writ of Habeas Corpus as untimely, and denying a certificate of appealability.

In her motion for reconsideration, petitioner asserts that this Court should accept her habeas corpus petition as timely "because it was submitted at Muncy State Correctional Facility for April 30, 2008" and inadvertently sent by prison officials to the United States District Court for the Eastern District of Pennsylvania which received it on May 2, 2008. Motion for Reconsideration (doc. no. 9) at 1. Petitioner presents no good cause for reconsideration.

The Magistrate Judge and this Court in fact deemed the petition for habeas corpus relief to have been filed on April 30, 2008, not May 2, 2008. In any event, both dates are well beyond a year after her limitations period had expired, on October 10, 2006. The fact that petitioner initially filed her petition in the United States District Court for the Eastern District of

Pennsylvania on May 2, 2008 played no role in this Court's determination that her petition for habeas corpus relief was untimely. Petitioner's Motion for Reconsideration must therefore be denied. Accordingly,

AND NOW, this 30th day of December, 2008, IT IS HEREBY ORDERED that petitioner's Motion for Reconsideration (doc. no. 9) is DENIED.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

The Honorable Lisa Pupo Lenihan
United States Magistrate Judge